

### **REMARKS**

Applicants submit the above amendments concurrently with a Request for Continued Examination, and entry thereof is respectfully requested.

At the outset, Applicants thank Examiner Koharski for extending the courtesy of a telephone interview to Applicants' undersigned representative on April 9, 2007. During the interview, Hagiwara was discussed and the Examiner suggested ways to amend the claims to distinguish over Hagiwara.

#### ***Amendments to the Claims***

Applicants amend claim 11 to recite that the valve includes a multi-lumen member disposed within a *valve housing having a restrictor member extending there across between opposed sidewalls thereof*, the restrictor member being adapted to selectively restrict at least a portion of one or more lumens in the multi-lumen member to thereby adjust the flow rate of fluid flowing from the reservoir. Claim 11 is also amended to recite a *pump* housing, to distinguish the pump housing from the valve housing. Support for this amendment can be found throughout the specification, for example in paragraph 25 and in Figure 2. Claims 13 and 15 are amended to refer to the *pump* housing. Claim 17 is amended to delete language already present in independent claim 11. Claims 19-21 are amended to correct a grammatical error, and claim 21 is also amended to refer to the *valve* housing. No new matter is added.

#### ***Claims Rejections Pursuant to 35 U.S.C. §103(a)***

In the Advisory Action dated March 26, 2007, the Examiner maintains the rejection of claims 11-23 pursuant to 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 4,299,220 of Dorman in view of U.S. Patent No. 5,116,308 of Hagiwara. The Examiner relies on Dorman to teach the claimed pump, but admits that Dorman fails to teach the claimed valve. Thus, the Examiner relies on Hagiwara to teach the claimed valve, arguing that it would be obvious to use the valve of Hagiwara with the pump of Dorman to arrive at the claimed invention.

As noted above, independent claim 11 recites a multi-lumen member disposed within a valve housing having a restrictor member extending there across between opposed sidewalls thereof. Hagiwara does not teach or even suggest a restrictor member that *extends across* a valve housing

between opposed sidewalls thereof. Rather, as shown in Figure 1 of Hagiwara, the flexible member (6) or "restrictor" has an opening formed at a mid-portion thereof for communicating with the inlet port. Thus, the flexible member (6) cannot extend across the housing.

Since neither Dorman nor Hagiwara teach the claimed valve, claim 11, as well as claims 12, 14, and 16-23 which depend therefrom, therefore distinguish over Dorman in view of Hagiwara and represent allowable subject matter.

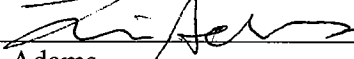
The Examiner also rejects claim 23 pursuant to 35 U.S.C. 103(a) as being unpatentable over Dorman in view of Hagiwara and in further view of U.S. Patent No. 6,048,328 of Haller et al. ("Haller"). Claim 23 depends from claim 11, and as discussed above claim 11 distinguishes over Dorman in view of Hagiwara. Haller does not remedy the deficiencies of Dorman and Hagiwara because Haller likewise fails to teach the claimed valve. Dependent claim 23 therefore distinguishes over the combination of Dorman and Hagiwara in view of Haller at least because it depends from an allowable base claim.

### ***Conclusion***

In conclusion, Applicants submit that all claims are now in condition for allowance, and allowance thereof is respectfully requested. The Examiner is encouraged to telephone the undersigned attorney for Applicant if such communication is deemed to expedite prosecution of this application

Respectfully submitted,

Dated: April 18, 2007

By   
Lisa Adams  
Registration No.: 44,238

NUTTER MCCLENNEN & FISH LLP  
World Trade Center West  
155 Seaport Boulevard  
Boston, Massachusetts 02210-2604  
(617) 439-2550  
(617) 310-9550 (Fax)  
Attorney for Applicant